

DOCUMENT RESUME

02693 - [A1792815]

[Procurement of Defense Services by the Army on Behalf of the Government of Saudi Arabia]. B-189035. June 17, 1977. 1 pp. + 4 enclosures (4 pp.).

Decision re: Endure-A-Lifetime Products, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: International Economic and Military Programs: U.S. International Security Commitments Abroad (610).

Contact: Office of the General Counsel: Procurement Law I. Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Army: Corps of Engineers; Panelfab International Corp.

Authority: Foreign Military Sales Act, as amended (22 U.S.C. 2762(a) (Supp. V)). 4 C.F.R. 20.1(a). 55 Comp. Gen. 674. B-171067 (1971). B-183034 (1975).

The protester objected to the award of a contract under an invitation for bids issued by the Army Corps of Engineers for the procurement of defense services on behalf of the Government of Saudi Arabia under the authority of the Foreign Military Sales Act. Since the purchase did not involve the expenditure of appropriated funds, it was not subject to GAO's settlement authority and the protest was therefore dismissed. (Author/SC)

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-189035

DATE: June 17, 1977

MATTER OF: Endure-A-Lifetime Products, Inc.

DIGEST:

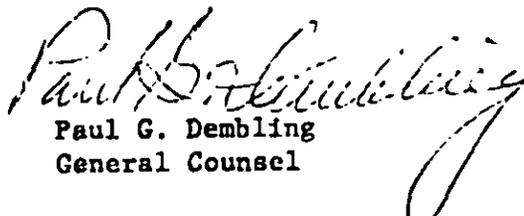
United States purchase on behalf of foreign government pursuant to section 22(a) of Foreign Military Sales Act will not involve spending of appropriated funds. Therefore, purchase is not subject to General Accounting Office's settlement authority and protest is dismissed.

Endure-A-Lifetime Products, Inc., protests the award of a contract to Panelfab International Corporation under invitation for bids No. DACA87-77-B-0026 issued by the Department of the Army, Corps of Engineers.

The procurement for defense services was undertaken by the Army on behalf of the Government of Saudi Arabia under the authority of the Foreign Military Sales Act, as amended, 22 U.S.C. § 2762(a) (Supp. V, 1975). In this case advance payment has been made by the Saudi Arabia Government to cover the contract costs. No appropriation of the United States Government is to be charged.

Our bid protest jurisdiction is predicated upon the authority of the General Accounting Office to settle accounts of agencies of the Federal Government. See 4 C.F.R. § 20.1(a) (1977). We do not render decisions where no appropriated funds are involved. B-171067, March 18, 1971; ACS Construction Company, Inc., B-183034, April 18, 1975, 75-1 CPD 238. Since the procurement in the instant case does not involve a charge to an appropriation account that is subject to settlement by this Office, we could not take any remedial action even if we should find the procurement improper under the rules generally applicable to Government procurements. Accordingly, we must conclude that no useful purpose would be served by our consideration of the matter. Tele-Dynamics, 55 Comp. Gen. 674, (1976), 76-1 CPD 60.

Therefore, the protest is dismissed.


Paul G. Dembling
General Counsel



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

R. H. Johnson
Post

B-189035

JUN 17 1977

The Honorable Dante B. Fascell
House of Representatives

Dear Mr. Fascell:

We refer to your inquiry concerning the protest of Enduro-A-Lifetime Products, Inc., against the award of a contract under solicitation No. DACAR7-77-3-0026, issued by the Department of the Army.

By decision of today, copy enclosed, we have dismissed the protest.

Sincerely yours,

Paul G. Dembling

Paul G. Dembling
General Counsel

Enclosure



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

J. H. Hylakowski
Per T.

B-189035

JUN 17 1977

The Honorable Lorton Chiles
United States Senate

Dear Senator Chiles:

We refer to your inquiry concerning the protest of Endure-A-Lifetime Products, Inc., against the award of a contract under solicitation No. DACAS7-77-B-0026, issued by the Department of the Army.

By decision of today, copy enclosed, we have dismissed the protest.

Sincerely yours,

Paul G. Deabling

Paul G. Deabling
General Counsel

Enclosure



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

L. Kozlakowski
Page 1

B-189035

JUN 17 1977

The Honorable William Lehman
House of Representatives

Dear Mr. Lehman:

We refer to your inquiry concerning the protest of Indure-A-Lizetine Products, Inc., against the award of a contract under solicitation No. DACAB7-77-B-0026, issued by the Department of the Army.

By decision of today, copy enclosed, we have dismissed the protest.

Sincerely yours,

Paul G. Darbling

Paul G. Darbling
General Counsel

Enclosure



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

*The Honorable
Pepper*

OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-189035

JUN 27 1977

The Honorable Claude Pepper
House of Representatives

Dear Mr. Pepper:

We refer to your inquiry concerning the protest of Endure-A-Lifetime Products, Inc., against the award of a contract under solicitation No. DACAS7-77-B-0026, issued by the Department of the Army.

By decision of today, copy enclosed, we have dismissed the protest. In view of our disposition of the matter, we feel a conference would serve no useful purpose.

Sincerely yours,

Paul G. Dombing

Paul G. Dombing
General Counsel

Enclosure



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

L. Kozlowski
Proc. I

OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO. 8-189035

8/17/77

The Honorable Richard (Dick) Stone
United States Senator
Suite 300 - 6600 North Monroe
Tallahassee, Florida 32303

Dear Senator Stone:

We refer to your inquiry concerning the protest of Federal-A-Lifetime Products, Inc., against the award of a contract under solicitation No. WACAF7-77-A-0026, issued by the Department of the Army.

By decision of today, copy enclosed, we have dismissed the protest.

Sincerely yours,

Paul G. Deane

Paul C. Hopkins
General Counsel

Enclosure